

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA) No. 08 CR 146
) 03 GJ 223
 v.)
) Honorable Rebecca R. Pallmeyer
) Acting Chief Judge
 RANDY PINE)

**GOVERNMENT'S AGREED MOTION FOR AN EXTENSION OF
TIME TO RETURN INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to 18 U.S.C. § 3161(h)(8)(A), for a 34-day extension of time, to and including April 24, 2008, in which to seek the return of an indictment against the defendant, for the following reasons:

1. This narcotics investigation into the sale and distribution of cocaine was originally initiated in approximately April 2005, and involved at least ten individuals. On February 20, 2008, defendant RANDY PINE with one count of knowingly possessing with the intent to distribute in excess of 500 grams of mixtures containing cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

2. On February 21, 2008, defendant RANDY PINE appeared before Magistrate Judge Nan R. Nolan and was released on bond.

3. The Speedy Trial Act mandates that an indictment or information must be filed within 30 days of the date of a defendant's arrest. 18 U.S.C. § 3161(b).

4. The Speedy Trial Act permits a court to enlarge the 30 day time period if the court finds "that the ends of justice served by taking such action outweigh the

best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

5. The factors leading to the government's request for extension are stated in the Attachment hereto, which the government respectfully requests be placed under seal. The government is requesting that this Attachment be sealed so as not to compromise its ongoing investigation and so as not to reveal matters occurring before the Grand Jury.

6. Given the reasons stated in the government's sealed Attachment, the thirty days available to the government pursuant to Title 18, United States Code, Section 3161(b) in which to file an indictment or information against a defendant based on his arrest will not be sufficient. The United States estimates that a 34-day extension from the current expiration date of March 21, 2008, to and including April 24, 2008, will be sufficient time within which to return an indictment in this matter.

7. For the reasons stated in the sealed Attachment, the government respectfully submits that the 34-day continuance is warranted in this case pursuant to 18 U.S.C. § 3161(h)(8)(A).

8. Counsel for the government communicated with the defendant's attorney, Ed Wanderling through his assistant, Sharon, who has indicated that Mr. Wanderling agrees to the exclusion of time for the filing of an information or indictment.

9. The government will provide early discovery to defendant during the time period of the extension.

WHEREFORE, the United States respectfully requests a 34-day extension of time from March 21, 2008 to and including April 24, 2008 in which to seek an indictment in this case.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: /s/ Nancy L. Miller
NANCY L. MILLER
Assistant United States Attorney
219 South Dearborn Street, Suite 500
Chicago, IL 60604
(312) 353-4224

Dated: March 11, 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA) No. 08 CR 146
) 03 GJ 223
v.)
) Honorable Rebecca R. Pallmeyer
RANDY PINE) Acting Chief Judge
)

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following documents:

**GOVERNMENT'S AGREED MOTION FOR AN EXTENSION OF
TIME TO RETURN INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)**

were served on **March 11, 2008**, in accordance with FED R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: /s/ Nancy L. Miller
NANCY L. MILLER
Assistant United States Attorney
219 South Dearborn Street, Suite 500
Chicago, IL 60604
(312) 353-4224